



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

STATE AGENCY: NONE
MULTI-COUNTY: ASPIRE PUBLIC SCHOOLS
CONSOLIDATED CENTRAL
VALLEY TABLE GRAPE
PEST AND DISEASE
CONTROL DISTRICT
INLAND EMPIRE HEALTH
PLAN HEALTH ACCESS
JOINT POWERS
AUTHORITY

AMENDMENT

STATE AGENCY: NONE
MULTI-COUNTY: CALIFORNIA EDUCATIONAL
COMPUTER CONSORTIUM
JOINT POWERS
AUTHORITY
OAKDALE IRRIGATION
DISTRICT
INLAND EMPIRE HEALTH
PLAN JOINT POWERS
AUTHORITY
SAN JOAQUIN VALLEY
UNIFIED AIR POLLUTION
CONTROL DISTRICT
STEVENSON WATER
DISTRICT

A written comment period has been established commencing on **September 26, 2008**, and closing on **November 10, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention Sarah Olson, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **November 10, 2008**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as

the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Sarah Olson, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Sarah Olson, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted section 3591.21 of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid Eradication Area as an emergency action that was effective on September 5, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than January 20, 2009.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before November 10, 2008.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

The adoption of subsection 3591.21 established the entire State as eradication areas for the Asian citrus psyllid (ACP), *Diaphorina citri*, hosts and possible carriers and the means and methods which may be used in the eradication, control or suppression of said pest within the said area. The effect of these actions was to establish authority for the State to conduct eradication activities in the State against this pest. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the amendment of Section 3591.21 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.21 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend subsections 3591.21 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend subsections 3591.21, to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfa.ca.gov/cdfa.pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted subsection 3591.22 of the regulations in Title 3 of the California Code of Reg-

ulations pertaining to False Codling Moth Eradication Area as an emergency action that was effective on August 1, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than January 28, 2009.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before November 10, 2008.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

The adoption of subsection 3591.22 established the entire State as eradication areas for the false codling moth, *Thaumatotibia leucotreta*, hosts and possible carriers and the means and methods which may be used in the eradication, control or suppression of said pest within the said area. The effect of these actions was to establish authority for the State to conduct eradication activities in the State against this pest. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the adoption of Section 3591.22 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.22 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be

more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend subsections 3591.22 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend subsections 3591.22, to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfa.ca.gov/cdfa.pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and

strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3589, subsection (a), of the regulations in Title 3 of the California Code of Regulations pertaining to Japanese Beetle Eradication Area as an emergency action that was effective on August 1, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than January 28, 2009.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before November 10, 2008.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication (FAC Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sec-

tions 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts, and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

Section 3589, subsection (a), was amended and established Riverside and San Bernardino counties as eradication areas for Japanese beetle, *Popillia japonica*. The effect of this action was to establish authority for the State to conduct eradication activities in Riverside and San Bernardino counties. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3589 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3589 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed adoption and amendment to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend Section 3589, subsection (a), pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend Section 3589, subsection (a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet web-site (www.cdfa.ca.gov/cdfa.pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3406(b) of the regulations in Title 3 of the California Code of Regulations pertaining to the Mediterranean Fruit Fly Interior Quarantine as an emergency action that was effective on August 11, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than February 10, 2009.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3406(b) of the regulations in Title 3 of the California Code of Regulations pertaining to the Mediterranean Fruit Fly Interior Quarantine as an emergency action that was effective on August 12, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than February 10, 2009.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3406(b) of the regulations in Title 3 of the California Code of Regulations pertaining to the Mediterranean Fruit Fly Interior Quarantine as an emergency action that was effective on August 13, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than February 10, 2009.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 180 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before November 10, 2008.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

The amendment effective August 11, 2008, removed the quarantine area of approximately 75 square miles surrounding the San Jose area of Santa Clara County. The amendment effective August 12, 2008, removed the existing quarantine area of approximately 114 square miles surrounding the Dixon area of Solano County. The amendment effective August 13, 2008, removed the existing quarantine area of approximately 103 square miles in Los Angeles County. The effect of these amendments was to remove the authority for the State to regulate movement of hosts and possible carriers of Mediterranean fruit fly within and from these areas. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3406 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a

duty to enforce it. No reimbursement is required under Section 17561 of the Government Code because these amendments remove regulatory restrictions; therefore, there are no mandated costs associated with the removal of these areas from the regulation.

The Department also has determined that the regulation will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less

burdensome to affected private persons than the proposed action.

AUTHORITY

The Department amended Section 3406(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department amended Section 3406(b) to implement, interpret and make specific Sections 5301, 5302 and 5322, Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

NOTICE OF PROPOSED REGULATORY ACTION AND PUBLIC HEARING CONCERNING MINIMUM INTERNAL CONTROL STANDARDS (MICS) FOR GAMBLING ESTABLISHMENTS CGCC-GCA-2008-R-3

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative Digest. Any interested person, or his or her authorized representative, may present statements or arguments orally or in writing relevant to the action proposed at a public hearing to be held at 1:30 p.m. on November 18, 2008, at 2399 Gateway Oaks Drive, First Floor Hearing Room, Sacramento, CA 95833-4231.

WRITTEN COMMENT PERIOD

Written comments relevant to the proposed regulatory action, including those sent by mail, facsimile, or e-mail, may be submitted to the Commission at any time during the public comment period, or may be received by the Commission at the above referenced hearing. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than 5:00 p.m. on November 18, 2008**. Written comments not submitted at the hearing should be directed to one of the individuals designated in this notice as a contact person. **Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.**

ADOPTION OF PROPOSED ACTION

After the close of the public comment period, the Commission, upon its own motion or at the instance of any interested party, may thereafter formally adopt the

proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 19811, 19826, 19827, 19840, 19841, 19920, 19924 and 19930 of the Business and Professions Code; and to implement, interpret or make specific Sections 19826, 19827, 19840, 19841, 19920, 19921, 19924, 19930 and 19943 of the Business and Professions Code; the Commission is proposing to adopt the following changes to Chapter 7 of Division 18 of Title 4 of the California Code of Regulations:

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

INTRODUCTION:

The California Gambling Control Commission (Commission) is the state agency charged with the administration and implementation of the California Gambling Control Act (Act).¹ The Commission is authorized to adopt regulations governing the operation of gambling establishments (or "cardrooms") in California.² Specifically, the Commission is mandated to adopt regulations on the subjects enumerated in Business and Professions Code,³ section 19841. Regulations concerning the establishment of minimum policies and procedures by owner licensees to exercise effective control over their internal fiscal and gambling affairs have been prepared in compliance with section 19840 and subdivisions (h) and (i) of section 19841.

SPECIFIC PROPOSAL:

Gambling is the quintessential cash business and internal controls are the primary procedures used to protect the integrity of cardroom funds and games. Internal controls are therefore a vitally important part of properly regulated gambling. In general, the proposed action has been drafted in an attempt to establish uniform procedures and standards to assist the Commission and the

¹ Business and Professions Code, Division 8, Chapter 4, § 19800 et seq.

² See Business and Professions Code § 19840.

³ All statutory references are to the Business and Professions Code, unless otherwise specified.

Bureau of Gambling Control within the Department of Justice (Bureau) in meeting their oversight responsibilities under the Act, while taking into account the variations in size of gaming operations. Perhaps more importantly, the proposed action is intended to assist cardrooms in safeguarding their assets, protecting patrons and their property, and maintaining the integrity of games and gaming. These regulations establish a baseline for cardroom operation, by requiring that licensees establish and implement written policies and procedures that meet or exceed the prescribed MICS, as they relate to the established size category of the individual licensee. Establishing a baseline standard helps to ensure consistency and uniformity.

EXISTING LAW:

Section 19840 provides, in pertinent part, that “[t]o the extent appropriate, regulations of the Commission . . . shall take into consideration the operational differences of large and small establishments.” Subdivision (h) of section 19841 mandates that the Commission’s regulations shall “[p]rescribe minimum procedures for adoption by owner licensees to exercise effective control over their internal fiscal and gambling affairs,” as specified. Subdivision (i) of section 19841 mandates that the Commission’s regulations shall “[p]rovide for the adoption and use of internal audits, whether by qualified internal auditors or by certified public accountants” as a means of “testing and evaluation of other controls” for the purpose of “observing proper compliance with the minimum standards of control prescribed in subdivision (h).”

Current regulations do not specifically address minimum internal control standards.

EFFECT OF REGULATORY ACTION:

This proposed action will make changes in Chapter 7 of Division 18 of Title 4 of the California Code of Regulations. Regulations addressing minimum internal controls to be exercised by owner licensees to ensure the integrity of their internal fiscal and gambling affairs have been prepared in compliance with Business and Professions Code section 19841. Specifically, Article 3 of Chapter 7 will be amended to incorporate minimum internal control standards (MICS) for gambling establishments as follows:

I. Adopt Section 12380 which will define “minimum internal control standards” (MICS) for the purpose of Chapter 7, will establish the basic application of MICS in the operation of cardrooms and will make failure to comply with this article a ground for disciplinary action. This section will also establish five specific licensee “tiers” based on a licensee’s number of approved gaming tables, and will contain general definitions of terms used throughout Article 3 in relation to MICS.

II. Adopt Section 12381 to establish clear and consistent requirements for the establishment by licensees of minimum policies and procedures addressing each major element of operation of their gambling establishments. This section will require the establishment of policies and procedures for MICS, the communication of those policies and procedures to employees, adherence to the established policies and procedures, and the availability of those policies and procedures to the Commission and Bureau. Provisions are included for the Bureau to issue determinations regarding deficiencies and for timely curing those deficiencies. This section also includes basic requirements for record keeping. Finally, licensees in tiers II through V will be required to assign specified duties and responsibilities concerning policies and procedures to a designated member of management.

III. Adopt Section 12384 to provide for the inclusion in a licensee’s policies and procedures of standards to address the deposit of fees into a secure container and periodic collection of those containers. When patrons of a cardroom engage in controlled gambling, they pay a fee, either per hand or per hour, for playing. This fee — either in regular chips or nondenominational drop-chips — is “dropped” into a “drop box” attached to the gambling table, and the boxes are collected at certain times each day by the cardroom. This is the main source of cardroom revenue and must be both protected (if chips are used) and accurately reported. This section will provide specifications for the construction, use, and basic security of drop boxes. In addition, this section will establish the extent and complexity of these requirements as they apply to the licensee tiers established in Section 12380.

IV. Adopt Section 12385 to establish the basic requirements for the maintenance and operation of count rooms that must be addressed in a licensee’s policies and procedures. This section includes general specifications for the construction and security of count rooms, and the duties and activities of count room staff. In addition, this section will establish the extent and complexity of these requirements as they apply to the licensee tiers established in Section 12380.

V. Adopt Section 12386 to establish the basic requirements for the maintenance and operation of cages that must be addressed in a licensee’s policies and procedures. This section includes specifications for the construction and security of cages, and the duties and activities of cage staff. In

addition, this section will establish the extent and complexity of these requirements as they apply to the licensee Tiers established in Section 12380.

- VI. The proposed action will also require licensees to establish and implement the applicable standards specified in Sections 12384, 12385 and 12386 by a date certain (approximately six months after the effective date of those regulations).

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:

None.

NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES:

None.

LOCAL MANDATE:

None.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH GOVERNMENT CODE SECTION 17561 REQUIRES REIMBURSEMENT:

None.

IMPACT ON BUSINESS:

The Commission has made an initial determination that the adoption of these regulations may have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following types of businesses would be affected:

- Gambling establishments (Cardrooms) that do not already have internal control standards and/or facilities in place that are in compliance with the minimum standards proposed by these regulations.
- The following reporting, recordkeeping or other compliance requirements are projected to result from the proposed action:
1. Maintenance of written policies and procedures for minimum internal control standards.
 2. Maintenance of documentation and records of drop collections and drop counts.
 3. Maintenance of access logs for the cage.
 4. Maintenance of accounting records.
 5. Maintenance and storage of video surveillance recordings.
 6. Possible remodeling of existing gambling establishments.

The Commission has not considered proposed alternatives that would lessen any adverse economic impact

on business and invites you to submit such proposals. Submissions may include the following considerations:

- (A) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (B) Consolidation or simplification of compliance and reporting requirements for businesses.
- (C) The use of performance standards rather than prescriptive standards.
- (D) Exemption or partial exemption from the regulatory requirements for businesses.

The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence that supports this determination.

IMPACT ON JOBS/NEW BUSINESSES:

The Commission has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, and that are known to the Commission are:

- Printing and maintenance of new written policies and procedures for those gambling establishments not already in compliance with the proposed minimum standards.
- Creation, maintenance and storage of documentation, records and logs for those gambling establishments not already in compliance with the proposed minimum standards.
- Acquisition and maintenance of video surveillance systems, and storage and maintenance of surveillance recordings for those gambling establishments not already in compliance with the proposed minimum standards.
- Possible remodeling of existing buildings for those gambling establishments that do not already have facilities in compliance with the proposed minimum standards.

EFFECT ON HOUSING COSTS:

None.

EFFECT ON SMALL BUSINESS:

The Commission has determined that the proposed regulatory action may affect small businesses if any licensed gambling establishment qualifies as a small business and does not already have internal control

standards in place which satisfy the minimum standards proposed by these regulations.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

INITIAL STATEMENT OF REASONS, INFORMATION AND TEXT OF PROPOSAL

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Commission at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833-4231.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission's office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the backup contact person named below.

Upon its completion, the Final Statement of Reasons will also be available. A copy of the Final Statement of Reasons may be obtained, once it has been prepared, by making a written request to one of the contact persons named below or by accessing the Commission's Web site listed below.

CONTACT PERSONS

All comments and inquiries concerning the substance of the proposed action should be directed to the following **primary** contact person:

James B. Allen, Regulatory Actions Coordinator
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220,
Sacramento, CA 95833-4231
Telephone: (916) 263-4024
Fax: (916) 263-0452
E-mail: Jallen@cgcc.ca.gov

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information upon which the proposed action is based should be directed to the following **backup** contact person:

Joy Calkin, Office Technician
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220,
Sacramento, CA 95833-4231
Telephone: (916) 263-0700
Fax: (916) 263-0452
E-mail: Jcalkin@cgcc.ca.gov

WEB SITE ACCESS

Materials regarding this proposed action are also found on the Commission's Web site at www.cgcc.ca.gov.

TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

NOTICE OF PROPOSED RULEMAKING ACTION

Division 11, Article 9, California Code of Regulations, sections 8090, 8091, 8092, 8093, 8094, 8095, 8098, 8099, 8101, 8102, 8102.1, 8102.2, 8102.3, 8102.4, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.10, 8102.11, 8102.12, 8102.13, 8102.14, and 8102.15

NOTICE IS HEREBY GIVEN that the California Pollution Control Financing Authority (the "Authority"), organized and operating pursuant to Sections 44500 through 44563 of the California Health and Safety Code (the "Act"), proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Authority proposes to add Sections 8102 through 8102.15 and to amend Sections 8090, 8091, 8092, 8093, 8094, 8095, 8098, 8099 and 8101 of the California Code of Regulations (the “Amended CALReUSE Program Regulations”) concerning the implementation of the CALREUSE Remediation Program and amendments to the CALReUSE Assessment Program (the “Program”). These regulations were readopted on an emergency basis in August 2008. The current rulemaking action would make these changes permanent.

AUTHORITY AND REFERENCE

Authority: Section 44520, Health and Safety Code. Section 44520(a) authorizes the Authority to adopt necessary regulations relating to brownfields site finance assistance as established by the Act.

Reference: Sections 53545.14, 44525, 44526(h), 44537.5, 44548(a) and 44548(b) Health and Safety Code. These regulations implement, interpret and make specific Sections 44501, 44502, 44504.1, 44505, 44506, 44507, 44508, 44520, 44525.7, 44526(h), 44526(i), 44537.5, 44548(a), 44548(b), 53545, and 53545.14 of the Act, as amended by Senate Bill 86 of 2007, by adding SubArticle 2 Sections 8102 through 8102.15 to Title 4, Division 11, Article 3 of the California Code of Regulations and amending SubArticle 1 Sections 8090, 8091, 8092, 8093, 8094, 8095, 8098, 8099, and 8101 of Title 4, Division 11, Article 3 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adoption of these regulations primarily addresses the statutory mandate, caused by Senate Bill 86 (2007) which established Health and Safety Code 5545.14, to create a brownfield cleanup financing program. The proposed CALReUSE Remediation Program will provide grants and loans to clean up brownfields that promote infill residential and mixed-use development consistent with regional and local land use plans. The regulations also include amendments to the regulations of the existing CALReUSE Brownfield Assessment Program — caused by the 2000 amendments to the Act, effected by Senate Bill 1986 — which are necessary to update the program and create consistency with the new CALReUSE Remediation Program.

Objectives of the Amended CALReUSE Program Regulations. The broad objectives and policy goals of each section of the Amended CALReUSE Program Regulations are explained below.

Article 9. Establishes the California Recycle Underutilized Sites (CALReUSE) Program.

SubArticle 1. Contains the current CALReUSE Assessment program, as well as shared definitions for the CALReUSE Remediation Program. Certain amendments are set forth as necessary to update the program and create consistency between the Assessment Program and the Remediation Program (SubArticle 2). The proposed amendments are necessary to create consistency between the existing site assessment and the new remediation program; to bring definitions up to date with current statute; to modify the regulations to accommodate anticipated changes in statute; and to modify specific elements of the program structure to strengthen its effectiveness as a brownfield financing tool.

Section 8090. Definitions. Amendments to: 1) expand definitions to include and refer to the new CALReUSE Remediation Program that is primarily set forth in Subarticle 2 [paragraphs (a), (b), (d), (ab), (af), (ah)]; 2) conform with federal law [paragraph (h)]; 3) recognize changes in state law since the section was last amended, and ensure consistency in future changes to state law (and potential future changes) [paragraphs (j), (l), (w), (y), (ag)]; 4) make clarifying modifications that streamline the regulations [paragraphs (ad), (ae)]; and 5) expand the definition of eligible costs for the Assessment Program [paragraph (k)]. Paragraphs are also renumbered as necessitated by the changes.

Section 8091. Brownfield Project Loan Eligibility. An amendment to enact a policy change concerning the eligibility of certain brownfields in the CALReUSE program.

Section 8092. Brownfield Application Content. An amendment to clarify existing procedures.

Section 8093. Application Availability, Submission and Strategic Partner Review. An Amendment modifying the Program’s official acronym.

Section 8094. Loan Approval and Commitment Letter. Amendments to enact a policy change regarding the eligibility of certain brownfields in the CALReUSE program and to establish a priority system in reviewing applications involving those sites.

Section 8095. Loan Terms. Amendments to change the interest rate used for loans under the CALReUSE brownfield assessment program and to increase the maximum amounts for loans.

Section 8098. Strategic Partner Reports and Records Retention. Amendments to: clarify reporting requirements and bring consistency to the program (paragraph (a)); conform the regulations with amended definitions (paragraphs (a)(1)(B) and (a)(2)(B)); and to provide additional clarification (paragraphs (a)(3)(A) and (a)(3)(B)).

Section 8099. Technical Assistance. Amendments for conformity with the establishment of the CALReUSE brownfield remediation program (paragraphs (a) and (b)); paragraph (c) was eliminated to reduce redundancy between Section 8099 and the definition of technical assistance in Section 8091(ah).

Section 8101. Strategic Partner as Applicant or Borrower. Amendments to provide clarification for potential conflict of interest situations.

SubArticle 2. Establishes the CALReUSE Remediation Program. In 2007 the Legislature statutorily required the Authority to administer loans and grants to clean up brownfields to promote infill residential and mixed-use development (Senate Bill 86 (2007); Section 53545.14, Health and Safety Code). The proposed regulations are necessary to carry out this statutory mandate.

Section 8102. Brownfield Infill Project Program Definitions. Establishes definitions to govern construction of SubArticle 2, Article 9.

Section 8102.1. Infill Grant and Infill Loan Eligibility. Establishes the criteria for eligibility of financing. The criteria will ensure, among other things, eligibility of the brownfield, eligibility of the project, eligibility of the costs proposed for financing, and eligibility of the borrower.

Section 8102.2. Infill Application Content. Sets forth the information that must be submitted by an applicant in order to request a grant or loan.

Section 8102.3. Infill Application Availability, Submission and Strategic Partner Review. Establishes a process for obtaining, submitting and reviewing an application to the Program.

Section 8102.4. Infill Grants and Infill Loans. Establishes eligibility and criteria for receiving a grant, eligibility and criteria for receiving a loan, and outlines specific terms of funding.

Section 8102.5. Infill Grant and Infill Loan Approval. Establishes a process for approval of applications and for notification to applicants.

Section 8102.6. Infill Grant and Infill Loan Terms. Establishes the terms and conditions of the grants and loans, including the length of the term, default provisions, and certifications and requirements required of the applicant.

Section 8102.7. Conditions of Funds Disbursement, Funds Disbursement and Loan Repayment Procedures. Sets forth the conditions for disbursing funds, and establishes procedures for funds disbursement and loan repayment.

Section 8102.8. Infill Loan and Infill Grant Extensions. Establishes the conditions under which the term of a loan or grant may be extended.

Section 8102.9. Strategic Partner Reports and Records Retention. Establishes reporting requirements

and records retention for Strategic Partners who assist the Authority to provide grants and loans for the Program. The reports are designed to provide the information needed by the Authority to monitor and evaluate the Program, and report to the Legislature as mandated.

Section 8102.10. Allocation of funds to Strategic Partners. Establishes the procedures by which the Authority will allocate funds or specific set-asides for Strategic Partners.

Section 8102.11. Strategic Partner Eligibility and Selection Criteria. Establishes the eligibility and selection criteria for entities wishing to participate as Strategic Partners for the program.

Section 8102.12. Strategic Partner as Applicant, Borrower and/or Grantee. Establishes the roles of the Authority and the Strategic Partner when the Strategic Partner is an applicant for a loan or grant under the Program.

Section 8102.13. Technical Assistance. Provides a mechanism for an applicant to access technical assistance in connection with development of a brownfield.

Section 8102.14. Scoring Criteria. Sets forth the criteria, and their values, by which applications will be assessed prior to funding approval.

Section 8102.15. Geographical Distribution Targets. Establishes geographical targets for the Authority to use as guidelines in allocating funds across the state.

DISCLOSURE REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of amending the CALReUSE Program Regulations:

Mandate on local agencies or school districts None.

Cost or savings to any state agency None.

Costs to any local agency or school district that must be reimbursed in accordance with Government Code sections 17561 None.

Other non-discretionary cost or savings imposed on local agencies None.

Cost or savings in federal funding to the state None.

Significant effect on housing cost None. While remediation will clean up locations to promote mixed use and residential development, the funds distributed through the Program will have no effect on housing cost.

Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states The Amended CalReUSE Program Regulations will have no adverse statewide economic impact.

Assessment regarding effect on jobs/businesses The Amended CALReUSE Program Regulations will not have a significant effect on the creation or elimination

of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business in California. It will create an opportunity for new work for businesses, but nothing substantial.

Cost impact on a representative private person or business The Agency is not aware of any cost impacts that a representative private person or business would necessarily incur with reasonable compliance with the proposed action.

Business Report As the Amended CALReUSE Program Regulations will not have an effect on creation, elimination, or expansion of business in California; a Business Report is not required.

Small Business The Amended CALReUSE Program Regulations will not have an adverse impact on small business in California as they do not, directly or indirectly, compete with, inhibit, or encourage small business in California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative to the Amended CALReUSE Regulations considered by the Authority or that have otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the Amended CALReUSE Program Regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Authority invites interested persons to present statements with respect to alternatives to the Amended CALReUSE Regulations during the written comment period for the Authority's consideration.

AGENCY CONTACT PERSON

Written comments, inquiries, and any questions regarding the substance of the Amended CALReUSE Regulations shall be submitted or directed to:

Deana Carrillo, Program Manager
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, California 95814
Telephone: (916) 657-5051
Fax: (916) 657-4821
Email: calreuse@treasurer.ca.gov
dcarrillo@treasurer.ca.gov

The back-up contact person is:

Robert "Robbie" Biegler
915 Capitol Mall, Room 110
Sacramento, California 95814
Telephone: (916) 653-3485
Email: calreuse@treasurer.ca.gov
rbiegler@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Amended CALReUSE Program Regulations to the Authority. The written comment period on the Amended CALReUSE Program Regulations ends at **5:00 p.m. on November 12, 2008**. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for those comments to be considered by the Authority. In the event that changes are made to the Amended CALReUSE Program Regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified Amended CALReUSE Program Regulations for fifteen (15) calendar days after the date on which such Amended CALReUSE Program Regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in the notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, INFORMATION RE: PROPOSED RULEMAKING, TEXT OF THE PROPOSED REGULATIONS (EXPRESS TERMS) AND CHANGES TO REGULATIONS

The Authority has established a rulemaking file for this regulatory action which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the Amended CALReUSE Program Regulations. Copies of these items will be available upon request from the Agency Contact Person designated in this Notice or at the Authority's website, located at <http://www.treasurer.ca.gov/cpcfa/>.

PUBLIC HEARING

A public hearing regarding the Amended CALReUSE Program Regulations has been scheduled for

Wednesday, November 12, 2008 from 1:00–3:00 p.m.
at 915 Capitol Mall, Room 587, Sacramento, CA
95814.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

After the written comment period ends and following a public hearing the Authority may adopt the Amended CALReUSE Program Regulations substantially as described in this Notice without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed Amended CALReUSE Program Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or at the Authority's website at: <http://www.treasurer.ca.gov/cpcfai/>.

**TITLE 11. COMMISSION ON PEACE
OFFICER STANDARDS AND TRAINING**

**NOTICE OF PROPOSED
REGULATORY ACTION**

CPT Anniversary Date, Regulation 1005(d)

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by November 10, 2008

The Commission requests written comments on the proposed actions. POST must receive the written comments no later than 5:00 p.m. on November 10, 2008. Please send written comments to Paul Cappitelli, Executive Director, at the Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816–7083, or by fax at 916.227.5271.

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code §13503 (Commission on POST powers), and §13506 (Commission on POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code Section 13503(e) — POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Current POST regulations require peace officers and dispatchers to complete Continuous Professional Training (CPT) to maintain or enhance job-related skills. Twenty-four hours of specified training are required every 24 months. In August 2005, POST established the 24-month training cycle based on the anniversary date determined by POST as one year from an individual employee's date of original entry into the POST system.

Since the implementation of the anniversary system date compliance program, the overwhelming majority of training managers, chiefs of police, and sheriffs have indicated that this system is cumbersome and does not effectively mesh with agency training schedules. In addition, the compliance reporting system for reserve peace officers and dispatchers has not been updated to reflect the change to the individual employee's anniversary date.

The following problems exist with the anniversary date system for tracking CPT compliance:

The method requires training managers to potentially track up to 365 individual dates in order to establish an agency training plan. The majority of agencies currently train on a consistent quarterly or monthly schedule that allows them to work around the employee work schedule versus the employee anniversary date. This can mean that an employee will meet the minimum training requirement, but by virtue of their anniversary date, records will reflect him or her out of compliance.

The POST compliance reporting system for reserve peace officers and dispatchers has not been updated to reflect the change to the individual employee's anniversary date. POST is holding agencies accountable; but does not provide them easy access to the anniversary date information.

POST agencies are often confused with the current language and view it as lacking clarity and being incomplete.

Changing from the individual anniversary dates to a single statewide anniversary date would accommodate most quarterly or biennial training schedules in use throughout the state.

When POST begins the statewide start date of January 1, 2009, agencies would know that all employees in the POST program must complete their 24-hour training mandate by December 31, 2010. This is easier on the agencies and allows POST staff a clear window to track CPT hours for compliance audits.

In discussions with chiefs, sheriffs, and training managers, the proposed change to one date for the state has been enthusiastically supported.

Adoption of Proposed Regulations

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, it will make available the text of any modified language, clearly indicated, at least 15 days before adoption to all persons whose comments POST received during the public comment period and to all persons who request notification from POST of the availability of such changes. Please address requests for the modified text to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text becomes available.

Text of Proposal, Rulemaking File, and Internet Access

The following information regarding the proposed regulatory action is available on the POST website at <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>:

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Individuals without Internet access may request a copy of the above documents by calling 916.227.4854 or by submitting a written request to the contact person

listed below. Please refer to POST Bulletin 2008-16. The rulemaking file, which contains the above-mentioned documents and all information on which POST is basing this proposal, will be available for inspection during the Commission's normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. To request a copy, contact POST at the above telephone number; write to the address under Contact Persons at the end of this notice; or view the document on the POST Internet website at the address cited above.

Estimate of Economic Impact

- Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- Non-Discretionary Costs/Savings to Local Agencies: None
- Local Mandate: None
- Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None
- Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.
- Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect of Proposal on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would not affect housing costs.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California, and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

Contact Persons

Please direct inquiries about this proposed regulatory action to Connie Paoli, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Connie.Paoli@post.ca.gov, by telephone at 916.227.4854, or by FAX at 916.227.5271. Ed Pecinovsky is the back-up contact person for this proposal. Ed is available by telephone at 916.227.4874, or by email at Ed.Pecinovsky@post.ca.gov.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to adopt Section 29.00 in Chapter 1, Division 1, Article 2.1 of Title 13, California Code of Regulations, relating to driver record checks for Commercial Driver License applicants.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **NOVEMBER 10, 2008**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Section 1651 of the Vehicle Code in order to implement, interpret, or make specific Sections 12805, 12807, 12808, 12809 and 15250, Vehicle Code; Parts 383 and 384 of Title 49, Code of Federal Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Motor Vehicles (department) proposes to adopt section 29.00 in Title 13, California Code of Regulations, relating to driver record checks. Because the language giving California the authority to check driving records is general in nature, the department has determined it necessary to promulgate regulations that specify information databases used to conduct the record check required in federal regulations and California statutes.

The Commercial Driver's License Information System, or CDLIS, is a system mandated by the federal Commercial Motor Vehicle Safety Act (CMVSA) of 1986. Among other things, the CMVSA requires states to connect to the CDLIS and the National Driver Register, or NDR, as a means to exchange information relating to a commercial vehicle licensee and the status and history of his or her driving record. CDLIS is a nationwide network database that stores information about commercial drivers. By using this network, authorized users can report and access commercial driver information, license information, and driver history information necessary to regulate commercial drivers in the United States.

The National Driver Register (NDR) is a database that stores information about drivers who have had their driver license suspended or revoked. The database also contains information on drivers convicted of serious driving offenses such as driving under the influence of drugs and/or alcohol or reckless driving. When information is received as a result of an NDR search, the Problem Driver Pointer System (PDPS) will indicate the state where the individual's driving status and history information is stored. The state where the applicant is requesting licensure can then receive records by requesting them from the state holding the records.

While the department utilizes NDR and PDPS to retrieve information regarding driver license suspensions, revocations and offensive driving convictions, the department conducts a search of the CDLIS when it receives an application for a commercial driver license, in addition to the NDR search.

Vehicle Code sections 12805, 12807 and 12809 authorize the department to refuse issuance or renewal of a

driver license when certain standards for licensing are not met. Vehicle Code section 12808 requires the department to check the applicant's record for conviction of traffic violations, traffic accidents and applicable reports and notices. Vehicle Code section 15250 establishes the requirements for issuance or renewal of a commercial driver license. Parts 383 and 384 of Title 49, Code of Federal Regulations, governs the issuance and renewal of commercial driver licenses, as well as the requirement for states to utilize specific databases when conducting driving record checks.

FISCAL IMPACT STATEMENT

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effects on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. These regulations codify the databases used when the department conducts a check of the driving record of a commercial driver license applicant.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Randi Calkins, Department of Motor Vehicles, P.O. Box 932382, Mail Station C-244, Sacramento, California, 94232-3820; telephone number (916) 657-8898, or rcalkins@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to Christie Patrick, at (916) 657-5567 or cpatrick@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the pro-

posed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 210, 215, 220, 702, 7071 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 210, 215, 220, 1802, 7071, 8585.5, and 8586 of the Fish and Game Code; 50 CFR Part 660, Subpart G; 50 CFR 660.384, and Title 14 CCR 27.20, proposes to amend sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, and 28.58; and add Section 27.32, Title 14, California Code of Regulations, relating to recreational fishing regulations for federal groundfish and associated species for 2009 and 2010.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under California law, the California Fish and Game Commission (Commission) adopts regulations for recreational fishing in state waters zero to three miles from shore. The Pacific Fishery Management Council (Council), consisting of representatives from west coast states, recommends management measures for fisheries operating in federal waters 3 to 200 miles from shore. These management measures are established as federal regulations by NOAA Fisheries Service. For consistency, ease of enforcement, and to avoid confusion on the part of recreational fishermen, the Commission routinely adopts regulations to bring state law into conformance with federal rules for groundfish and other federally-managed species. The proposed changes described in this action would make the requisite changes for the 2009 and 2010 seasons.

There are 90 species of groundfish that occur in state and federal waters off the coast of California, including several species of rockfish, lingcod, cabezon, kelp greenling, California scorpionfish, some flatfish species, and some shark species. These “federal groundfish” species are managed by the Council under the Pacific Coast Federal Groundfish Fishery Management Plan (GFMP) (Magnuson–Stevens Fisheries and Conservation Act 16 U.S.C. Section 1851 et seq.).

California sheephead, ocean whitefish and all greenlings of the genus *Hexagrammos* are species that occur almost exclusively within state waters in California and are managed by the Department of Fish and Game (Department). These state-managed species, otherwise identified as “associated species” are known to be caught with federal groundfish species, and thus are regulated in conjunction with federal groundfish.

At its June meeting, the Council adopted new optimum yields for some federal groundfish species along with harvest guidelines for the different fishery sectors for 2009 and 2010. Management measures (e.g., seasons, depth constraints, bag limits) were also decided by the Council to keep within these optimum yields and harvest guidelines for each state and sector. Analysis of past years’ catch is used to determine which management measures are expected to keep each fishery sector within its harvest guideline.

Optimum yields set by the Council are based on stock assessments (analyses of current population size), or if a stock assessment is not available, average recent catches are used as a proxy, and are set to maintain healthy stocks. If a stock assessment reveals that the current population size is at or below 25 percent of the unfished biomass (the historic population size), it is considered “overfished”. Federal law requires that steps be taken to rebuild overfished stocks under strict guidelines that place an emphasis on a reasonable likelihood of achieving success within specified time periods.

Currently there are six groundfish species in California that are considered overfished: bocaccio, canary rockfish, cowcod, darkblotched rockfish, widow rockfish, and yelloweye rockfish. Rebuilding plans for each of these species have resulted in the need to set strict harvest guidelines and tailor management to ensure that fishery impacts are minimized. For California’s recreational fishery, significant constraints to fishing activities in northern waters will be needed to keep catches of yelloweye rockfish within the allowable harvest guideline for the 2009 and 2010 seasons, similar to 2007 and 2008.

While not designated as “overfished”, some federal groundfish species stock assessments show a need to enact more constraining regulations to keep catches within established harvest guidelines, even in the ab-

sence of a rebuilding plan. For California's recreational fishery, additional restrictions off central California will be needed to keep catches of blue rockfish within the allowable limit for 2009 and 2010.

It is virtually impossible to target an individual rockfish species, thus fishing for all rockfish has to be restricted to keep within the optimum yield for a constraining species. A "constraining" species is one whose harvest level is low enough that fishing for other co-occurring species becomes limited so that the constraining species' harvest level is not exceeded. Yelloweye rockfish and blue rockfish are considered to be the two most constraining species for California's recreational fishery. Therefore, these species were the primary determinants for the chosen season lengths and depth constraints for fishing for all groundfish and associated species for 2009 and 2010. Canary rockfish, another overfished species, has in the past been a constraining species and could potentially be a constraining species for the central California management areas in 2009 and 2010, which would be addressed in a future rulemaking package if necessary.

Yelloweye rockfish are primarily caught with a mix of other shelf rockfish species north of Point Arena (Mendocino County) in waters deeper than 20 fathoms. For 2009 and 2010, the recreational fishery harvest guideline for yelloweye rockfish will continue to require conservative fishing seasons that may occur only in waters that are 20 fathoms and less in depth.

Blue rockfish is a dominant species in the recreational fishery in California. To stay within the new harvest guideline for this species, it was necessary for the Council to reduce the fishing season length by two weeks in central California.

In order to make the State's regulations consistent with new federal rules that will be established by NOAA Fisheries following the June 2008 Council action, the proposed changes identified in this regulatory package are needed to Title 14 regulations regarding recreational groundfish fishing in State waters. The resulting season structure and depth restrictions adopted by the Council are provided in Table 1. The proposed regulatory changes will affect boat-based anglers only; exceptions for shore-based anglers and divers would remain in effect.

Table 1. Proposed season structure and depth restrictions for the California recreational groundfish fishery for 2009 and 2010, adopted for federal waters by the Council in June 2008.

Management Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Northern	CLOSED				Open < 20 fm, May 15 - Sep 15				CLOSED			
North-Central N. of Pt. Arena	CLOSED				Open < 20 fm May 15 - Aug 15				CLOSED			
North-Central S. of Pt. Arena	CLOSED					Open < 30 fm, Jun 13 - Oct 31				CLOSED		
Monterey South-Central	CLOSED				Open < 40 fm, May 1 - Nov 15							CLOSED
Morro Bay South-Central	CLOSED				Open < 40 fm, May 1 - Nov 15							CLOSED
Southern	CLOSED		Open < 60 fm, Mar 1 - Dec 31									

- *Modifications to Section 27.25, Northern Groundfish Management Area.*

The Department took emergency action in August 2008 (OAL# 2008 0815 04E) to establish a May 1 through September 2 season with a maximum depth restriction of 20 fathoms (120 feet) for groundfish and associated species. Proposed regulations would change the fishing season, for the waters between the Oregon border and the 40° 10' North Latitude management line near Cape Mendocino (Humboldt County), for all groundfish and associated species by modifying the season length to May 15 through September 15. The proposed regulations would also make permanent the maximum depth restriction of 20 fathoms (120 feet) implemented through the emergency action. These changes are necessary to keep yelloweye rockfish catch within the harvest guideline as discussed above.

- *Modifications to Section 27.30, North-Central Groundfish Management Area.*

The Department took emergency action in August 2008 (OAL# 2008 0815 04E) to split the North-Central Management Area into two distinct regions — the North-Central North of Point Arena Groundfish Management Area, for waters between the 40° 10' North Latitude management line and Point Arena (38° 57.50' North Latitude; Section 27.30, Title 14, CCR), and the North-Central South of Point Arena Groundfish Management Area, for waters between Point Arena and Pigeon Point (San Mateo County; see below; modifications to Section 27.32, Title 14, CCR). Additionally, the emergency action established a maximum depth restriction of 20 fathoms (120 feet) for groundfish and associated species and a June 1 through November 30 season. The proposed regulations would make the 20

fathom maximum depth restriction permanent, and would modify the fishing season to May 15 through August 15. Splitting the North–Central Management Area into two regions would allow for differing regulations north and south of Point Arena, and allow for finer-scale regional management. The take of yelloweye rockfish north of Point Arena is significantly higher than that south of Point Arena.

The August 2008 emergency action (OAL# 2008 0815 04E) removed regulations pertaining to the Farallones Closure Area, the Cordell Bank Closure Area, and the exception allowing the year-round take of leopard shark in several bays from this section and relocated them to Section 27.32, because these rules do not apply within the re-defined geographic range of this management area. The proposed regulation would make permanent the restructuring of the management areas, with their respective closure areas and leopard shark exception.

- *Modifications to Section 27.32, North–Central South of Point Arena Groundfish Management Area.*

The Department took emergency action in August 2008 (OAL# 2008 0815 04E) to establish Section 27.32 with regulations pertaining to the waters between Point Arena (Mendocino County) and Pigeon Point (San Mateo County). These regulations include a June 1 through November 30 season for groundfish and associated species, along with a maximum 30 fathom (180 feet) fishing depth restriction. The proposed regulations would make permanent the 30 fathom maximum depth restrictions, and would modify the fishing season to June 13 through October 31.

The August emergency action (OAL# 2008 0815 04E) removed the regulations pertaining to the Farallones Closure Area, the Cordell Bank Closure Area, and the exception allowing the year-round take of leopard shark in several bays from Section 27.30 and relocated the regulations here without change, because these rules apply within the newly established management area. The proposed regulation would make permanent the restructuring of the management areas, with their respective closure areas and leopard shark exception.

- *Modifications to Section 27.35, Monterey South–Central Groundfish Management Area.*

Existing regulations establish a May 1 through November 30 season for groundfish and associated species, with a maximum fishing depth restriction of 40 fathoms (240 feet). Proposed regulations would reduce the fishing season for all groundfish and associated species to May 1 through November 15, maintaining the 40 fathom depth restriction. Reducing the season by two weeks is expected to help to keep blue rockfish catch within the new harvest guideline.

- *Modifications to Section 27.40, Morro Bay South–Central Groundfish Management Area.*

Existing regulations establish a May 1 through November 30 season for groundfish and associated species, with a maximum fishing depth restriction of 40 fathoms (240 feet). Proposed regulations would reduce the fishing season for all groundfish and associated species to May 1 through November 15, maintaining the 40 fathom depth restriction. Reducing the season by two weeks is expected to help to keep blue rockfish catch within the harvest guideline.

- *Modifications to Sections 28.26 California Sheephead; 28.27 Lingcod; 28.28 Cabezon; 28.29 Kelp Greenling. Rock Greenling; 28.48 Pacific Sanddab, Rock Sole, Sand Sole, Butter Sole, Curlfin Sole, Rex Sole and Flathead Sole; 28.49 Dover Sole, English Sole, Petrale Sole, Arrowtooth Flounder, and Starry Flounder; 28.51 Spiny Dogfish, Soupfin Shark; 28.52 Big Skates, California Skates, and Longnose Skates; 28.53 Ratfish, Rattails and Codlings; 28.54 California Scorpionfish (Sculpin); 28.55 Rockfish (Sebastes); 28.56 Leopard Shark; 28.57 Pacific Cod, Pacific Whiting, Sablefish, and Thornyheads; and, 28.58 Ocean Whitefish.*

The listed sections list the seasons and fishing depths for these species or species groups. Additionally, some species or species groups have size limits, bag limits, gear restrictions, exceptions for leopard shark and/or exceptions for “other flatfish”. The Department took emergency action in August 2008 (OAL# 2008 0815 04E) to establish seasons and fishing depths for these species or species groups. The proposed regulations would make the changes permanent for each of the sections, and change season dates and/or depth constraints to match the proposed regulations for the different Groundfish Management Areas discussed above.

- *Modifications to Section 28.28(b), Cabezon Bag Limit.*

Existing regulations provide for a one fish bag limit for cabezon within the 10–fish aggregate bag limit for rockfish, cabezon and greenling, the RCG complex. Proposed regulations would increase the cabezon bag limit from one fish to two fish, within the RCG bag limit. The Department analyzed potential impacts of an increase in the recreational cabezon bag limit from one to two fish within the RCG bag limit. Results of the analysis show that an increase in the bag limit is not projected to result in exceeding the recreational harvest guideline for this species. The proposed action could reduce impacts on other fish that would be caught to replace discarded cabezon and decrease waste of discarded dead cabezon.

- *Modifications to Section 28.55(b)(1), Bag Limit for Bronzespotted Rockfish.*

Proposed regulations would include the bronze-spotted rockfish (*Sebastes gilli*) as a prohibited rockfish species (no retention, or bag limit of zero). The bronze-spotted rockfish is not described as an overfished species because there has not been a formal stock assessment completed; however, anecdotal information suggests its abundance may be low. The proposed change was adopted by the Council as a precautionary measure for 2009 and 2010 to protect bronzespotted rockfish until more information becomes available.

- *Modifications to Section 28.55(b)(3), Bag Limit for Bocaccio.*

Existing regulations provide for differing bag limits within the RCG bag limit for bocaccio north and south of the 40° 10' North Latitude management line, with a two fish bag limit in the Northern Management Area, and a one fish bag limit in the remaining management areas, except that there is a zero fish bag limit in the Cowcod Conservation Area. Proposed regulations would allow for a statewide two fish bag limit within the 10 fish RCG bag limit; the zero fish bag limit in the Cowcod Conservation Area would remain unchanged. The coastwide bocaccio optimum yield increased for 2009 and 2010; therefore the statewide recreational fishery can retain two fish while remaining within the bocaccio harvest guideline. The proposed action could reduce impacts on other fish that would be caught to replace discarded bocaccio, decrease waste of discarded dead bocaccio, and allow for the same limit statewide.

- *Modifications to Sections 27.25 Northern Groundfish Management Area; 27.30 North-Central Groundfish Management Area; 27.35 Monterey South-Central Groundfish Management Area; 27.40 Morro Bay South-Central Groundfish Management Area; 27.45 Southern Groundfish Management Area; 27.50 Cowcod Conservation Areas; and, Sections 28.48 Pacific Sanddab, Rock Sole, Sand Sole, Butter Sole, Curlfin Sole, Rex Sole and Flathead Sole, Pertaining to the Elimination of Gear Restrictions when Fishing for Sanddabs and Other Flatfish.*

Existing regulations allow Sanddabs and "Other Flatfish" to be taken in the California recreational fishery when fishing for rockfish, lingcod, and associated species is closed and in depths where fishing for rockfish is prohibited, providing that anglers are limited to not more than 12 No. 2 or smaller hooks and up to two pounds of weight. A No. 2 hook means a fishing hook with a gap not greater than 7/16 inch between the hook point and the shank. These regulations were implemented in 2004 to reduce bycatch of overfished rock-

fish species. The specified gear is the standard gear used for targeting sanddabs regardless of whether the rockfish season is open or closed.

The Department analyzed the merits and shortcomings of the sanddab and "Other Flatfish" gear restrictions. The analysis revealed that there has been no appreciable change to impact rates on overfished species, or any species of the genus *Sebastes*, before and after gear restrictions were implemented and that impacts are presently negligible. Additionally, both California Recreational Fisheries Survey samplers and party/charter boat operators indicated that the bycatch of rockfish species while fishing for sanddabs and "Other Flatfish" is minimal. For regulation simplicity, the Council repealed the aforementioned gear restrictions pertaining to sanddabs and "Other Flatfish". The proposed regulatory changes would conform to action taken by the Council.

- *Clarifying Changes to Section 27.20(a) Pertaining to the Definition of "Depth Constraint".*

Existing regulations provide the definition of depth constraint as based on either general depth contour lines or a set of federal waypoints. Proposed regulations would clarify that the Department uses two different definitions of "depth constraint" depending on whether fishing is occurring in waters greater than or equal to 30 fathoms or waters that are shallower than 30 fathoms. Areas equal to or deeper than 30 fathoms shall use a line determined by connecting the appropriate set of waypoints adopted in Federal regulations, and areas shallower than 30 fathoms shall use general depth contour lines for approximating depth at which the angler is fishing.

- *Clarifying Changes to Section 27.20(b) Pertaining to Special Closure Areas.*

The Department took emergency action in May 2008 (OAL# 2008 0505 01 E) to clarify that unless there is a special exemption, the take of groundfish and associated species is prohibited in special closure areas (e.g., Cordell Banks closure) even when the rest of the management area is open. This emergency action will expire November 5, 2008; however, the proposed regulation would make the change permanent.

- *Clarifying changes to Section 28.56 Leopard Shark.*

Current regulations allow for the take of leopard shark in waters 20 fathoms or less from March through December within the Cowcod Conservation Area. This is contrary to Section 28.50 Cowcod Conservation Area which does not allow for the take of leopard shark within the Cowcod Conservation Area. Currently, there are exceptions allowing the take of leopard shark in enclosed bays; however, there are no enclosed bays within

the Cowcod Conservation Area and there was never any intent to allow fishing for leopard sharks within the Cowcod Conservation Area. The proposed regulation would remove this inconsistency by prohibiting the take of leopard shark within the Cowcod Conservation Area.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Flamingo Conference Resort, 2777 Fourth Street, Santa Rosa, California, on Friday, October 3, 2008 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City of Huntington Beach, City Council Chambers, 2000 Main Street, Huntington Beach, California, on Friday, November 14, 2008, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before November 7, 2008 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on November 11, 2008. All comments must be received no later than November 14, 2008, at the hearing in Huntington Beach, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Fonbuena at the preceding address or phone number. **Ms. Marija Vojkovich, Regional Manager of the Marine Region, Department of Fish and Game, phone (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days

prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The range of proposed management actions that would limit recreational groundfish fishing in one or more of the Groundfish Management Areas for one or more species of fish may have adverse impacts to some businesses in California. Sport fishing business owners, boat owners, tackle store owners, boat manufacturers, vendors of food, bait, fuel and lodging, and others that provide goods or services to those that recreationally pursue groundfish off California may be adversely affected to some degree from loss of business if the 2009 and 2010 seasons are restricted compared to previous management cycles. However, anticipated impacts are speculative and would vary considerably by geographic location and by the nature and extent of the regulatory action taken. Additionally, it should be noted that the proposed regulatory actions would not apply to those recreationally targeting groundfish from shore or by diving, which would lessen impacts to some businesses such as dive and kayak shops.

Furthermore, while some coastal areas rely more heavily on boat-based sport groundfish fishing activity, there are other areas in which it comprises only a small amount of the overall fishing effort.

For 2007, the Department estimates that recreational anglers in ocean waters throughout California made about 3.7 million fishing trips. It is not possible to approximate how many of these trips would not be taken exclusively as a result of the proposed regulatory action. It is important to recognize that in all coastal areas of California there is still recreational ocean fishing opportunity for other desirable target species that are not managed as part of the groundfish complex — namely albacore, halibut, surf perches, bass, and others. Fishing opportunities for these species would not be impacted by the proposed regulation changes. When recreational anglers are prohibited or curtailed from targeting one particular species or groups of species due to season or area closures, oftentimes they will mitigate by changing target species or relocating their effort.

The Commission has made an initial determination that the amendment of this regulation may have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Commission has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) the establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses;
 - (ii) consolidation or simplification of compliance and reporting requirements for businesses;
 - (iii) the use of performance standards rather than prescriptive standards; or
 - (iv) exemption or partial exemption from the regulatory requirements for business.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:
- The proposed regulatory action could produce some impact on the creation or elimination of jobs or businesses that rely on recreational fishing for groundfish and associated species. However, the degree of impact is highly speculative in nature and cannot be quantified. See response to (a) above.
- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

AMENDED NOTICE OF GENERAL PUBLIC INTEREST

THE DEPARTMENT OF HEALTH CARE SERVICES WILL IMPLEMENT A PAYMENT REDUCTION FOR MEDI-CAL FEE-FOR-SERVICE INPATIENT HOSPITAL SERVICES PROVIDED BY NON-CONTRACT HOSPITALS

(First noticed September 5, 2008, Register 2008, number 36Z)

This notice is to provide information of public interest with respect to proposed changes in payments for some hospitals that provide inpatient services to Medi-

Cal beneficiaries. Subject to the passage of pending legislation which will amend section 14166.245 of the Welfare and Institutions Code (W&I Code), the payment limits outlined below will be imposed.

Beginning on October 1, 2008, for hospitals that receive Medi-Cal reimbursement from the Department of Health Care Services (Department), and are not under contract with the Department pursuant to Article 2.6 (commencing with section 14081) of Chapter 7 of Part 3 of Division 9 of the W&I Code, the amounts paid as interim payments for hospital inpatient services rendered on or after October 1, 2008, must not exceed the lesser of the following:

- The amounts that would have been paid as interim payments for hospital inpatient services if section 14166.245 of the W&I Code were not in effect, reduced by 10 percent.
- For tertiary hospitals, the applicable regional average per diem contract rates established by the California Medical Assistance Commission (CMAC) for tertiary hospitals, reduced by five percent, and for non-tertiary hospitals, the applicable regional average per diem CMAC contract rates for non-tertiary hospitals, reduced by five percent.

The average regional per diem contract rates will be derived from the unweighted average contract per diem rates that are publicly available on June 1 of each year, trended forward based on the trends in the CMAC Annual Report to the Legislature. For tertiary hospitals and non-tertiary hospitals, the regional average per diem contract rates will be based on the geographic regions in the CMAC Annual Report to the Legislature. The applicable regional average per diem contract rates for tertiary hospitals and for non-tertiary hospitals will be published by the Department on or before October 1, 2008, and the rates will be updated annually for each state fiscal year and will become effective each July 1, thereafter.

For purposes of calculating the average regional per diem contract rates, both the federal and non-federal share of the cost-based rates for designated public hospitals will be included in the determination of the average contract rates by multiplying the hospital's interim rate, established pursuant to Section 14166.4 of the W&I Code and that is in effect on June 1 of each year, by two.

When calculating a hospital's cost report settlement for that portion of a hospital's fiscal period that includes dates of service on and after October 1, 2008, for those dates of service on and after October 1, 2008, payments to the hospital will be limited to the lesser of ninety percent of the hospital's audited allowable cost per day, or

the applicable regional average per diem CMAC contract rate, reduced by five percent, multiplied by the number of Medi-Cal covered inpatient days in the hospital's fiscal year, or portion thereof.

A tertiary hospital is a children's hospital as specified in section 10727 of the W&I Code, or a hospital that has been designated a Level I or Level II trauma center by the Emergency Medical Services Authority established pursuant to section 1797.1 of the Health and Safety Code (H&SC).

These changes will not apply to small and rural hospitals as specified in section 124840 of the H&SC. These changes will also not apply to hospitals in open health facility planning areas (HFPAs) on October 1, 2008, unless the open HFPA at any time on or after July 1, 2005, was a closed HFPA as determined by CMAC, or unless the open HFPA has three or more hospitals with licensed general acute care beds.

Except as otherwise provided in Section 14091.3 of the W&I Code (relating to payments to hospitals by managed care plans), hospitals that participate in the Selective Provider Contracting Program pursuant to Article 2.6 (commencing with section 14081 of the W&I Code) and designated public hospitals under section 14166.1 of the W&I Code, except Los Angeles County Martin Luther King/Charles R. Drew Medical Center and Tuolumne General Hospital, will be exempt from these changes.

The terms "open HFPA" and "closed HFPA" will have the same meaning and be applied in the same manner as used by CMAC in the implementation of the hospital contracting program authorized in Article 2.6 (commencing with section 14081 of the W&I Code).

The reimbursement for inpatient services includes the amounts paid for all categories of inpatient services allowable by Medi-Cal, and includes the amounts paid for routine services, together with all related ancillary services.

As the California Legislature takes further action on the proposed amendments to California law which this notice describes, the information provided herein is subject to change.

PUBLIC REVIEW AND COMMENTS

The changes described above are available for public review at local county welfare offices throughout the State. A detailed description of the proposed California legislation that will amend W&I Code section 14166.245 to make the changes described in this notice may also be requested, in writing, from Mr. Dave Rap-polee, Department of Health Care Services, Safety Net Financing Division, MS 4504; P.O. Box 997436; Sacramento, CA 95899-7436.

Written comments concerning the proposed changes may be mailed to Mr. Rappolee at the above address, and must be received on or before October 6, 2008.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

California Environmental Protection Agency
Office of Environmental Health Hazard Assessment

Notice to Interested Parties
September 26, 2008

Announcement of a Public Comment Period

Notice of the Availability of a Draft
Report on California
Human Health Screening Levels for Beryllium

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is making available the draft report, "California Human Health Screening Levels for Beryllium," on September 26, 2008. This draft report updates the California Human Health Screening Levels (CHHSLs) for beryllium oxide, beryllium sulfate and beryllium and beryllium compounds, released in 2005. The update was prompted by a reevaluation of the initial basis for these CHHSLs and a newer OEHHA assessment of beryllium's toxicity. These soil screening numbers were developed as required by Health and Safety Code Section 57008. The screening numbers have no regulatory authority and are published solely as reference values that may be used by citizen groups, community organizations, property owners, developers, and local government officials to determine whether sites would likely need further action if a full risk assessment were conducted. How these soil screening levels should be applied is explained in "Use of California Human Health Screening Levels (CHHSLs) in Evaluation of Contaminated Properties," released by Cal/EPA in 2005. The comment period will end on October 27, 2008.

The rationale for the change in the beryllium CHHSLs is described in this draft report. The draft report is available to the public via the OEHHA Web site at <http://www.oehha.ca.gov>.

If you would like to receive further information on this announcement or have questions, please contact our office at (916) 324-2829 or the address below. Written requests or comments should be addressed to:

Mr. Leon Surgeon
Integrated Risk Assessment Branch
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-12B
1001 I Street
Sacramento, California 95812-4010
FAX: (916) 322-9705
E-mail: irab@oehha.ca.gov

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2008-0904-01
CALIFORNIA STATE UNIVERSITY
Admission to Post-Baccalaureate Standing: Unclassified

California State University is amending their admission criteria for post-baccalaureate standing. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5
California Code of Regulations
AMEND: 41000
Filed 09/10/2008
Effective 09/10/2008
Agency Contact:
Cassandra M. Andrews (562) 951-4500

File# 2008-0729-03
DEPARTMENT OF CONSUMER AFFAIRS
Application for Dental Licensure by Residency

This Certificate of Compliance rulemaking makes permanent regulations which allow persons to become licensed dentists without passing the state-developed or state-recognized clinical examination otherwise required of license applicants, if they instead complete a clinically-based advanced education program in general dentistry or an advanced education program in general practice residency that is accredited by the American Dental Association or a national body approved by the Dental Board. The rulemaking makes permanent the

regulations relating to the application fee for obtaining a dental license in this way and the application procedures, information, and forms required to apply for a license under this process.

Title 16
California Code of Regulations
ADOPT: 1028.2, 1028.3, 1028.4, 1028.5 AMEND:
1021
Filed 09/10/2008
Effective 09/10/2008
Agency Contact: Donna Kantner (916) 263-2300

File# 2008-0818-01
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Inmate Housing Assignments

Pursuant to 2007 OAL Determination No. 2, the California Department of Corrections and Rehabilitation is adopting regulations governing how housing assignments will be made, including factors to be considered in determining if an inmate should be "double celled."

Title 15
California Code of Regulations
ADOPT: 3269
Filed 09/15/2008
Effective 09/15/2008
Agency Contact: John McClure (916) 341-6894

File# 2008-0915-01
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action will expand the current quarantine area of approximately 1181 square miles in San Diego County for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by 630 square miles due to recent additional discoveries of this pest.

Title 3
California Code of Regulations
AMEND: 3435(b)
Filed 09/17/2008
Effective 09/17/2008
Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0905-04
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

This emergency action adds acreage to the lands under quarantine for the light brown apple moth in the Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara county quarantine area and the Solano county quarantine areas.

Title 3
California Code of Regulations
AMEND: 3434
Filed 09/10/2008
Effective 09/10/2008
Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0730-02
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Eradication Area

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2008-0207-01E) that designated Santa Barbara County as an area of eradication for the light brown apple moth ("*Epiphyas postvittana*").

Title 3
California Code of Regulations
AMEND: 3591.20(a)
Filed 09/11/2008
Effective 09/11/2008
Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0822-03
DEPARTMENT OF INSURANCE
Electronic Funds Transfer Penalties

This change without regulatory effect amends section 2330.1 that deals with the statutory requirement that insurers and surplus line brokers make their tax payment by electronic funds transfer if their premium taxes exceed twenty thousand dollars. Also, if the taxpayer fails to make the payment by electronic funds transfer or if the payment is untimely, then the taxpayer will be assessed a ten percent penalty plus interest on the amount due unless the penalty is waived. Currently the regulation states if taxpayers fail to make payment "by some method other than EFT," then a penalty will be assessed. The modification to the regulation (removal of "fail to") will cause the regulation to no longer be inconsistent with the language of the statute or to be internally inconsistent with the language in the section.

Title 10
California Code of Regulations
AMEND: 2330.1
Filed 09/11/2008
Agency Contact: Risa Salat-Kolm (415) 538-4127

File# 2008-0801-01
DEPARTMENT OF MANAGED HEALTH CARE
Definition of Unfair Billing Patterns

This rulemaking further defines the term "unfair billing pattern" to include the practice of "balance billing" for emergency medical services by providers of those services. Under this regulation, "balance billing" occurs when a non-contracting provider of emergency

medical services bills a health care services plan enrollee for amounts owed to the provider by the enrollee's health care services plan. This rulemaking also defines the term "emergency services" for purposes of this regulation, and it clarifies that an enrollee's co-payment, coinsurance, or deductible responsibility is not an amount owed to the provider by the enrollee's health care services plan.

Title 28
California Code of Regulations
ADOPT: 1300.71.39
Filed 09/15/2008
Effective 10/15/2008
Agency Contact: Emilie Alvarez (916) 445-9960

File# 2008-0820-02
FISH AND GAME COMMISSION
Waterfowl Hunting

This action adjusts the dates and length of the migratory waterfowl hunting seasons in the various zones and special management areas, adjusts the daily bag and possession limits, and establishes the new Imperial County special management area.

Title 14
California Code of Regulations
AMEND: 502
Filed 09/15/2008
Effective 09/15/2008
Agency Contact: Jon Snellstrom (916) 653-4899

File# 2008-0801-03
MANAGED RISK MEDICAL INSURANCE BOARD
HFP Plan Benefits and Selection Conforming Regulations

In the regulatory action, the Managed Risk Medical Insurance Board amends its regulations under the Healthy Families Program. The regulations being amended relate to (1) the ability of program subscribers to transfer their plans during the first three months of coverage, and (2) revisions to the scope of benefits, exclusions, and program subscriber shares of costs (such as co-payments) for each of the types of benefit plans (health, dental, and vision).

Title 10
California Code of Regulations
AMEND: 2699.6619, 2699.6700, 2699.6703, 2699.6705, 2699.6709, 2699.6711, 2699.6713, 2699.6715, 2699.6717, 2699.6721, 2699.6723, 2699.6725
Filed 09/15/2008
Effective 10/15/2008
Agency Contact: Randi Turner (916) 327-8243

File# 2008-0905-03
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Emergency Medical Services

The Occupational Safety and Health Standards Board makes a nonsubstantive change pursuant to title 1, section 100 of the California Code of Regulations. Specifically, the change is to title 8, section 1512(d) to revise language to be gender neutral. This amendment is without regulatory effect and does not alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the regulation.

Title 8
California Code of Regulations
AMEND: 1512
Filed 09/17/2008
Agency Contact: Marley Hart (916) 274-5721

File# 2008-0731-01
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
Permit Application Form and Application Filing Requirements

The San Francisco Bay Conservation and Development Commission (Commission) changes Title 14, sections 10310, 10360, 10810, 10820, Appendix D and Appendix F, to update the requirements for filing a complete permit application with the Commission. Appendix D is the 21 page permit application. This is a re-submittal of a file that was withdrawn by the agency pursuant to Government Code section 11349.3(c) on December 20, 2007.

Title 14
California Code of Regulations
AMEND: 10310, 10360, 10810, 10820, Appendix D, Appendix F
Filed 09/11/2008
Effective 10/11/2008
Agency Contact:
Ellen M. Sampson (415) 352-3600

File# 2008-0805-04
STATE WATER RESOURCES CONTROL BOARD
Total Maximum Daily Load for Mercury in the Walker Creek Watershed

The California Regional Water Quality Control Board (San Francisco Bay Region) adopted Resolution R2-2007-0010 on January 23, 2007, amending the Water Quality Plan for San Francisco Bay Basin. It establishes (a) two new mercury water quality objectives for the watershed, (b) vacates the existing 4-day average mercury water quality objectives, and (c) establishes a mercury TMDL for Walker Creek and the Soulaule Reservoir. The Executive Officer made clarifying

changes pursuant to his authority under the resolution and submitted the rulemaking to the State Board for approval. The State Water Resources Control Board approved the adoption of the amendments on July 15, 2008 (Resolution No. 2008-0055). This rulemaking is a water quality plan amendment subject to the special and limited APA provisions of Government Code section 11353. The objectives will be reached via an implementation plan. In approximately 5 yrs, the Regional Board will consider the information gathered through additional studies and reexamine the implementation plan and any possible adjustments that may be necessary.

Title 23

California Code of Regulations

ADOPT: 3919.4

Filed 09/17/2008

Agency Contact:

Michael Buckman (916) 341-5479

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN APRIL 16, 2008 TO
SEPTEMBER 17, 2008**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

04/24/08 AMEND: Appendix A

Title 2

09/04/08 ADOPT: 18530.45
09/04/08 AMEND: 18946.4
08/14/08 AMEND: 1859.2, 1859.121, 1859.122, 1859.127, 1859.129
08/08/08 ADOPT: 21905.5 AMEND: 21903, 21905
07/16/08 ADOPT: 18946.6
07/10/08 AMEND: 1859.76, 1859.83, 1859.104.3
07/10/08 AMEND: 1859.71
07/08/08 AMEND: 2271
06/26/08 AMEND: 554.2, 554.3
06/17/08 ADOPT: div. 8, ch. 112, sec. 59570
06/11/08 AMEND: 18360, 18361
06/11/08 ADOPT: 18421.7 AMEND: 18401
06/11/08 ADOPT: 18944.2 REPEAL: 18944.2
05/21/08 ADOPT: 59580
05/14/08 ADOPT: 18413

05/13/08 ADOPT: 59620
05/06/08 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009
04/30/08 AMEND: 1859.2, 1859.61, 1859.81, 1859.82, 1859.83, 1859.202, 1866, Form SAB 50-04 (Rev. 01/08)
04/29/08 ADOPT: 1859.190, 1859.191, 1859.192, 1859.193, 1859.193.1, 1859.194, 1859.195, 1859.196, 1859.197, 1859.198, 1859.199 AMEND: 1859.2, 1859.51, 1859.81, Form SAB 50-04 (Revised 01/08), Form SAB 50-05 (Revised 01/08), Form SAB 50-10 (Revised 01/08)
04/24/08 ADOPT: 1183.081, 1183.131, 1183.30, 1183.31, 1183.32 AMEND: 1181.1, 1181.2, 1181.3, 1183, 1183.01, 1183.04, 1183.08, 1183.11, 1183.13, 1183.14, 1183.3, 1188.3

Title 3

09/17/08 AMEND: 3435(b)
09/11/08 AMEND: 3591.20(a)
09/10/08 AMEND: 3434
09/05/08 ADOPT: 3435
09/03/08 AMEND: 6452.2
09/02/08 AMEND: 3433(b)
09/02/08 AMEND: 3591.6(a)
08/26/08 AMEND: 3434(b)
08/25/08 AMEND: 3423(b)
08/18/08 AMEND: 6738, 6739
08/18/08 AMEND: 3434(b)
08/13/08 AMEND: 3434(b)
08/12/08 AMEND: 3406(b)
08/11/08 AMEND: 3406(b)
08/01/08 AMEND: 3589(a)
08/01/08 ADOPT: 3591.22
07/28/08 AMEND: 3434(b)
07/25/08 AMEND: 902.9
07/24/08 ADOPT: 3591.21
07/22/08 AMEND: 3417(b)
07/16/08 AMEND: 3700
07/16/08 AMEND: 3406
07/14/08 AMEND: 3963
07/11/08 AMEND: 3434(b)
07/09/08 AMEND: 3434(b)
06/30/08 AMEND: 3589(a)
06/24/08 AMEND: 3963
06/24/08 AMEND: 3060.3
06/23/08 AMEND: 3591.5(a)
06/17/08 AMEND: 2751
06/16/08 AMEND: 3434(b)
06/11/08 AMEND: 3434(b)
06/09/08 AMEND: 3700

06/04/08	AMEND: 3434(b)	Title 5	
05/23/08	AMEND: 3434(b)	09/10/08	AMEND: 41000
05/23/08	AMEND: 1438.7, 1438.17	09/09/08	ADOPT: 19828.3, 19837.2 AMEND: 19816, 19816.1, 19828.2, 19837.1, 19846
05/07/08	AMEND: 3434(b)	08/11/08	AMEND: 41000
05/05/08	AMEND: 3406(b)	08/04/08	ADOPT: 15575, 15576, 15577, 15578
05/02/08	AMEND: 3417(b)	07/16/08	AMEND: 18272
05/02/08	AMEND: 3434	06/24/08	AMEND: 80021
04/30/08	AMEND: 3591.20	06/19/08	AMEND: 4600(I)
04/23/08	AMEND: 6550	06/13/08	ADOPT: 55185, 57017 AMEND: 55180, 57001.7, 58003.4, 58770, 58771, 58774
04/21/08	AMEND: 3700	06/10/08	AMEND: 30910, 30911, 30912, 30913, 30914, 30916
04/18/08	AMEND: 3434(b)	06/10/08	AMEND: 30920, 30921, 30922, 30923, 30924, 30925, 30927
04/16/08	AMEND: 3434(b) & (c)	06/09/08	ADOPT: 19828.3, 19837.2 AMEND: 19816, 19816.1, 19828.2, 19837.1, 19846
Title 4		05/28/08	ADOPT: 18085.5, 18086.1 AMEND: 18086, 18087, 18088, 18091, 18101, 18102, 18104
09/02/08	AMEND: 1850	05/21/08	ADOPT: 6105 AMEND: 6100, 6104
08/25/08	ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.4, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.10, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101	05/13/08	AMEND: 15440, 15441, 15442, 15443, 15444, 15445, 15446, 15447, 15448, 15449, 15450, 15451, 15452, 15453, 15454, 15455, 15456, 15457, 15458, 15459, 15460, 15461, 15462, 15463, 15464, 15467, 15468, 15469, 15471, 15471.1, 15471.2, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15479.5, 15480, 15481, 15483, 15484, 15485, 15486, 15487, 15488, 15489, 15490, 15493
08/21/08	ADOPT: 1634 AMEND: 1420	05/05/08	ADOPT: 11315.5 and 11315.6 AMEND: 11315
08/12/08	ADOPT: 4180, 4181	05/01/08	AMEND: 80440, 80443
08/08/08	AMEND: 12002, 12100, 12101, 12120, 12122, 12128, 12130, 12140, 12200, 12200.3, 12200.7, 12200.9, 12200.10A, 12200.10B, 12200.10C, 12200.11, 12200.13, 12200.14, 12200.16, 12200.17, 12200.18, 12200.20, 12200.21, 12201, 12202, 12203, 12203A, 12203.1, 12203.2, 12203.3, 12203.5, 12204, 12205, 12205.1, 12218, 12218.1, 12218.5, 12218.7, 12218.11, 12220, 12220.3, 12220.13, 12220.14, 12220.16, 12220.18, 12220.20, 12220.20A, 12220.21, 12220.23, 12221, 12222, 12223, 12224, 12225, 12225.1, 12233, 12234, 12235, 12236, 12300, 12301, 12301.1, 12302, 12303, 12304, 12305, 12306, 12308, 12309, 12310, 12335, 12341, 12342, 12343, 12344, 12345, 12347, 12358, 12359, 12360, 12370, 12400, 12401, 12402, 12403, 12404, 12405, 12460, 12463, 12464, 12466, 12550, 12552, 12554, 12556, 12558, 12560, 12562, 12564, 12566, 12568, 12590	04/21/08	ADOPT: 18134
08/04/08	AMEND: 1843.2	04/21/08	ADOPT: 18134
07/14/08	AMEND: 8070, 8072, 8073	Title 7	
07/10/08	AMEND: 1481, 1783, 1784	06/10/08	ADOPT: 236.1
06/24/08	ADOPT: 12335, 12340, 12357 AMEND: 12342, 12343, 12344, 12345, 12358, 12359	Title 8	
05/23/08	ADOPT: 1843.3 AMEND: 1843.2	09/17/08	AMEND: 1512
05/01/08	AMEND: 1844	08/26/08	AMEND: 5168, 6775
		08/25/08	ADOPT: 9721.11, 9721.12, 9721.13, 9721.14, 9721.21, 9721.33 AMEND: 9720.1, 9720.2, 9721.1, 9721.2, 9721.31, 9721.32, 9722, 9722.1, 9722.2, 9723
		08/08/08	AMEND: 1532.1
		08/04/08	AMEND: 3649
		08/04/08	AMEND: Appendix C following section 560, Appendices A, B, and C following section 1938, and section 5001
		07/30/08	AMEND: 1524

07/18/08 AMEND: 290.0, 290.1, 291.0, 291.1, 291.2, 291.5, 292.0, 294.0, 295.0, 296.0, 296.1, 296.2, 296.3, 296.4

07/18/08 AMEND: 2500.7

07/17/08 AMEND: 4885, 4924, 5004

07/17/08 AMEND: 1604.24, 1604.26

07/14/08 AMEND: Appendix B following 1541.1

06/30/08 ADOPT: 4300.1 AMEND: 4297, 4300

06/06/08 AMEND: 1710(k)(2)

05/19/08 AMEND: 1529, 5208, 8358

05/19/08 AMEND: 1710

05/19/08 AMEND: 797, 1604.10, 1601.21, 1662

05/05/08 ADOPT: 2340.2, 2340.5, 2340.8, 2340.10, 2340.12, 2340.14; Article 6, Sections 2360.1 through 2360.5; Sections 2375.7, 2375.25, 2380.1, 2390.10, 2390.20, Article 12, Sections 2400.1, 2400.2; Sections 2418.2, 2418.3, 2418.4, 2418.5, 2418.6, 2420.4, 2420.5, 2420.6, 2420.7, 2473.1, 2473.2, 2480.5, 2480.9, 2484.5, 2484.6; Article 48.1, Sections 2485.1, 2485.2; Sections 2505.2, 2510.8, 2522.20, 2530.120, 2530.121; Article 58.1, Section 2535.1; Sections 2540.11, 2540.11 Figure S-1, 2560.3; Article 74.1, Sections 2562.1 through 2562.7; Article 77.1, Sections 2566.1 through 2566.3; Article 77.2, Sections 2567.1 through 2567.3; Sections 2569.5, 2571.9, 2571.30; Article 83, Sections 2583.1 through 2583.8; Article 84, Sections 2584.1 through 2584.8; Article 85, Sections 2585.1 through 2585.3; Article 86, Sections 2586.1 through 2586.4; Article 87, Sections 2587.1 through 2587.5; Article 88, Sections 2588.1 through 2588.3; Article 89, Sections 2589.1 and 2589.2. AMEND: 2300, 2305.2, 2305.4, 2340.9, 2340.11, 2340.13, 2340.16, Table 2340.16, 2340.17, 2340.18, 2340.21, 2340.22; Article 5, Section 2350.2; Sections 2375.1, 2375.18, Table 2375.18, Sections 2375.19, 2390.1, 2390.24, 2390.41, 2390.81, 2395.3, 2395.5, 2395.6, 2395.23, 2395.25, 2395.32, 2395.42, 2395.44, 2395.45, 2395.57, 2395.58, 2405.1, 2405.2; Article 16, Sections 2420.3; Article 45; Sections 2480.6, 2480.7, 2484.24, 2500.7, 2500.8, 2500.9, 2500.10, 2500.11, 2500.23, 2505.10, 2505.11, 2510.4, 2510.5, 2510.6, 2510.7, 2510.56, 2510.58, 2522.2, 2530.4, 2530.102, 2530.103, 2530.104,

2530.107, 2530.112, 2533.1, 2534.6, 2534.8, 2540.1, 2540.2, 2540.3, 2540.4, 2560.2, 2561.1, 2561.3, 2561.31, 2561.32, 2563.23, 2563.33; Article 77, Section 2565.3; Sections 2568.8, 2568.15, 2569.1, 2569.6, 2569.7, 2569.20, 2569.51; Article 80, Sections 2571.1 and 2571.16. REPEAL: 2340.23, 2350.11, 2390.83, 2395.7, 2395.33, 2395.43, 2395.50, 2480.8, 2522.8 and 2561.50.

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07/11/08 ADOPT: 1810.207.5, 1810.220.5
AMEND: 1830.220

07/02/08 AMEND: 9515(d), 10522(b)

Title 10

09/15/08 AMEND: 2699.6619, 2699.6700, 2699.6703, 2699.6705, 2699.6709, 2699.6711, 2699.6713, 2699.6715, 2699.6717, 2699.6721, 2699.6723, 2699.6725

09/11/08 AMEND: 2330.1

08/15/08 ADOPT: 2844 AMEND: 2840, 2842

08/14/08 AMEND: 2699.100, 2699.201, 2699.205, 2699.207, 2699.209, 2699.400

08/04/08 AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119

07/30/08 AMEND: 2498.6

07/24/08 AMEND: 2498.4.9

07/23/08 AMEND: 2498.4.9

07/23/08 AMEND: 2498.4.9

07/21/08 ADOPT: 2330.1, 2330.3, 2330.4, 2330.5

07/17/08 AMEND: 2498.6

07/10/08 REPEAL: 2191

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07/07/08 ADOPT: 2699.6602, 2699.6604
AMEND: 2699.6603, 2699.6605, 2699.6607, 2699.6608, 2699.6611, 2699.6625

06/24/08 ADOPT: 2232.45.1, 2232.45.2, 2232.45.3, 2232.45.4, 2232.45.5
AMEND: 2536.2

06/16/08 AMEND: 2318.6, 2353.1

06/02/08 ADOPT: 10.190202

05/27/08 AMEND: 2249.2-2249.9, 2249.12, 2249.15

05/16/08 ADOPT: 2642.8, 2644.28 AMEND: 2642.6, 2642.7, 2644.2, 2644.3, 2644.6, 2644.7, 2644.8, 2644.12, 2644.16, 2644.17, 2644.19, 2644.20, 2644.21, 2644.23, 2644.25, 2644.27

04/30/08 AMEND: 2697.6, 2697.61

04/29/08 ADOPT: 10.19900, 10.19901

04/28/08	AMEND: 310.111	07/28/08	AMEND: 702
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07/08/08	ADOPT: 30.14	07/15/08	ADOPT: 4860
06/17/08	AMEND: 1005, 1007, 1008, 1080	07/08/08	ADOPT: 124.1 AMEND: 122, 125, 149.1, 150, 150.02, 150.03, 150.05, 163, 163.5, 164, 174, 180.3
05/28/08	AMEND: 2000, 2001, 2010, 2020, 2030, 2037, 2038, 2050, 2051, 2052, 2053, 2060, 2070, 2071, 2072, 2140	07/02/08	AMEND: 7.50
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09/08/08	AMEND: 2449	06/30/08	AMEND: 120.7
08/29/08	ADOPT: 2660(a)(0.5), 2260(a)(0.7), 2260(a)(6.9), 2260(a)(7.5), 2260(a)(8.5), 2260(a)(10.5), 2260(a)(10.7), 2260(a)(19.7), 2260(a)(19.8), 2260(a)(23.5), 2260(a)(23.7), 2260(a)(37), 2260(a)(38), 2260(a)(39), 2262.3(d), 2264.2(a)(3), 2264.2(b)(5), 2264.2(d), 2265(c)(4), 2265.1, 2265.5, 2266(b)(3), 2266(b)(4), 2266(b)(5) AMEND: 2261, 2262, 2262.3, 2262.4, 2262.5, 2262.9, 2263, 2263.7, 2264.2, 2265, 2266, 2266.5, 2270, 2271, 2273	06/23/08	AMEND: 18660.23, 18660.24, 18660.25, 18660.33, 18660.34
08/13/08	ADOPT: 619.2 AMEND: 615, 615.1, 616, 617, 618, 619, 619.1	06/20/08	AMEND: 360, 361, 362, 363, 364, 551, 708, 712
07/15/08	AMEND: 440.04	06/18/08	ADOPT: 355
06/16/08	ADOPT: 156.01	06/16/08	AMEND: 10602, 10800
06/16/08	AMEND: 1961, 1965	05/15/08	AMEND: 353, 475
06/10/08	AMEND: 2222	05/09/08	AMEND: 27.20, 27.25, 27.30, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58
06/02/08	AMEND: 1141	05/02/08	AMEND: 825.05
05/16/08	ADOPT: 2449, 2449.1, 2449.2, 2449.3	04/28/08	ADOPT: 17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5
05/01/08	AMEND: 1	04/28/08	AMEND: 815.05
04/28/08	AMEND: 120.00, 120.01, 120.02, 124.93, 124.95 REPEAL: 120.04	04/25/08	AMEND: 17210.2, 17210.4, 17855.2, 17862, 17867
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07/02/08	AMEND: 2299.1, 93118	09/15/08	ADOPT: 3269
Title 14		09/03/08	AMEND: 2253
09/15/08	AMEND: 502	08/29/08	AMEND: 3000, 3261.1, 3261.2, 3261.4, 3261.5, 3261.7, 3267
09/11/08	AMEND: 10310, 10360, 10810, 10820, Appendix D, Appendix F	08/04/08	AMEND: 2041
09/09/08	ADOPT: 17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5, 17987.6	08/04/08	AMEND: 3000, 3005, 3006, 3008, 3009, 3011, 3012, 3013, 3015, 3016, 3290, 3310, 3313, 3314, 3315, 3317, 3318, 3320, 3323, 3327, 3328
09/04/08	AMEND: 670.2	07/30/08	ADOPT: 3503, 3505, 3506, 3507, 3508, 3509, 3510, 3511, new Article 2 and title, 3520, 3521, 3521.1, 3521.2, 3521.3, 3521.4, 3521.5, 3521.6, 3522, 3523, 3524, 3525, 3526, 3527, new Article 3 and title, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, new Article 4 and title, 3560, 3561, 3562, 3563, 3564, new Article 5 and title, 3570, 3571, new Article 6 and title, 3580, 3581, 3582, new Article 7 and title, new Article 8 and title, new Article 9 and title, new Article 10 and title, new Article 12 and title, 3640, new Article 13 and title, 3650, 3651, 3652, 3652.1, 3653, 3654, new Article 14 and title, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, new Article 15 and title, 3720. 3721, 3721.1,
08/27/08	AMEND: 300		
08/25/08	ADOPT: 27.32 AMEND: 27.20(f), 27.25, 27.30, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58		
08/18/08	AMEND: 749.3		
08/14/08	ADOPT: 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965		
08/12/08	ADOPT: 124		
08/11/08	AMEND: 503		
08/06/08	AMEND: 815.05, 818.02, 825.05, 827.02		

	3722, 3723, new Article 16 untitled,	05/21/08	AMEND: 4141
	3730, new Article 17 and title, new	05/20/08	AMEND: 905
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	3753, 3754, 3755, 3756, new Article 19		4448, 4450, 4452, 4470, 4472, 4474,
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	3770, 3771, and 3772. AMEND: 3604,	05/12/08	AMEND: 1399.523
	3605, 3605.5, 3701.1, 3705, 3706, 3801,	05/08/08	REPEAL: 3300
	3802, renumber old Article 2 with title,	05/07/08	ADOPT: 1364.32 AMEND: 1364.30
	and 3815.	05/02/08	AMEND: 1079.2
07/17/08	ADOPT: 3134.1 AMEND: 3130, 3131,	04/29/08	AMEND: 1970, 1970.4(a), 1973(b)
	3132, 3133, 3134, 3135, 3136, 3137,	04/24/08	AMEND: 1387.3
	3138, 3139, 3140, 3141, 3142, 3143,	04/24/08	AMEND: 3000
	3144, 3145, 3146, 3147	04/17/08	AMEND: 1399.660
07/14/08	ADOPT: 1700, 1706, 1712, 1714, 1730,	04/16/08	ADOPT: 973, 973.1, 973.2, 973.3, 973.4,
	1731, 1740, 1747, 1747.5, 1748, 1749,		973.5, 973.6
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07/08/08	ADOPT: 3334 AMEND: 3000		
06/23/08	ADOPT: 2275		
06/04/08	AMEND: 3190, 3191		
05/23/08	ADOPT: 1417 AMEND: 1029, 1206,		
	1248, 1357, 1358, 1461		
04/18/08	AMEND: 3291, 3293		
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09/10/08	ADOPT: 1028.2, 1028.3, 1028.4, 1028.5		
	AMEND: 1021		
08/27/08	AMEND: 2250 REPEAL: 2274, 2277		
08/25/08	AMEND: 1399.480, 1399.481,		
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08/15/08	AMEND: 1361		
08/13/08	AMEND: 3394.6		
08/12/08	AMEND: 3394.4		
08/07/08	AMEND: 4161		
07/30/08	AMEND: 2649		
07/23/08	AMEND: 1399.152.2, 1399.153,		
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07/18/08	AMEND: 134 REPEAL: 135		
07/09/08	ADOPT: 1984		
07/08/08	AMEND: 1399.540		
07/03/08	AMEND: 1568		
07/02/08	AMEND: 390, 390.1, 390.3, 390.4,		
	390.5, 390.6 REPEAL: 390.2		
06/30/08	ADOPT: 119.7		
06/26/08	AMEND: 109, 116		
06/17/08	ADOPT: 4580		
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06/04/08	AMEND: 931		
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09/05/08	ADOPT: 98100 REPEAL: 96100		
08/06/08	AMEND: 94006		
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07/02/08	AMEND: 2299.1, 93118		
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	35010, 35012, 35013, 35014, 35015,		
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04/21/08	AMEND: 93115.4, 93115.6, 93115.10		
04/18/08	ADOPT: 93120, 93120.1, 93120.2,		
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08/11/08	AMEND: 1807, 1828		
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07/16/08	AMEND: 5216, 5310, 5311, 5326.4, 5326.6, 5333, 5333.4, 5333.6, 5523.4	12505, 12601, 12701, 12703, 12705, 12707, 12709, 12711, 12713, 12721, 12801, 12803, 12805, 12821, 12900, 12901, 12902, 12903, 14000, 15001, 15002, 15003, 15004, 15006, 15007, 15008, 15009, 15010, 15011, 15012, 15013, 15014, 15015, 15016, 15017, 15018, 15019, 15020, 15021, 15022, 15023, 15024, 15025, 15026, 15027, 15028, 15029, 15030, 15031, 15032, 15033, 15034, 15035, 15036, 15037, 15038, 15039, 15040
06/23/08	AMEND: 19503	
06/10/08	ADOPT: 2558, 2559, 2559.1, 2559.3, 2559.5	
06/04/08	AMEND: 23038(b)–2, 23038(b)–3	
04/29/08	AMEND: 25137(c)(1)(D)	
04/23/08	AMEND: 1620	
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08/07/08	ADOPT: 1980.00, 1980.01, 1980.02, 1980.03, 1980.04, 1980.05, 1980.06, 1980.07, 1990.00, 1990.01, 1990.02, 1990.03, 1990.04, 1990.05, 1990.06, 1990.07, 1990.08, 1990.09, 1990.10, 1990.11, 1990.12, 1990.13	05/08/08 ADOPT: 66260.201 AMEND: 66260.10, 66261.9, 66273.1, 66273.3, 66273.6, 66273.8, 66273.9, 66273.12, 66273.13, 66273.14, 66273.20, 66273.32, 66273.33, 66273.34, 66273.40, 66273.51, 66273.53, 66273.56, 66273.82, 66273.83, 66273.90, Appendix X to Chapter 11
06/06/08	AMEND: 200, 203, 204, 206, 207, 208, 209, 211, 212, 214, 215, 216, 217	05/06/08 ADOPT: 72038, 72077.1, 72329.1 AMEND: 72077, 72329
04/23/08	ADOPT: 2660 AMEND: 2720, 2723, 2724, 2725, 2726, 2728	04/18/08 AMEND: 4410 REPEAL: 4410.5
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05/20/08	AMEND: 2323(a), 2323(b), 2323(c), 2323(d), 2323(e), 2323(f), 2325(a), 2329(c), 2329(e), 2330(a), 2332(d), 2333(a), 2335(b)	07/09/08 ADOPT: 88054, 89318 AMEND: 80017, 83017, 83064, 83075, 84065, 84068.2, 84090, 84165, 84265, 86065, 86068.2, 86517, 88001, 88022, 88031, 88065.3, 88068.2, 88069.7, 89317, 89378, 89405
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06/26/08	AMEND: 100140, 100141, 100163, 100172, 100174	Title 23
06/23/08	AMEND: 12805	09/17/08 ADOPT: 3919.4
06/17/08	ADOPT: 25000, 25102, 25103, 25104, 25201, 25203, 25204, 25301, 25302, 25303, 25304, 25305, 25306, 25401, 25403, 25405, 25501, 25502, 25503, 25504, 25505, 25601, 25701, 25703, 25705, 25707, 25709, 25711, 25713, 25721, 25801, 25803, 25805, 25821, 25900, 25901, 25902, 25903, 27000, 28001, 28002, 28003, 28004, 28006, 28007, 28008, 28009, 28010, 28011, 28012, 28013, 28014, 28015, 28016, 28017, 28018, 28019, 28020, 28021, 28022, 28023, 28024, 28025, 28026, 28027, 28028, 28029, 28030, 28031, 28032, 28033, 28034, 28035, 25036, 28037, 28038, 28039, 28040 REPEAL: 12000, 12102, 12103, 12104, 12201, 12203, 12204, 12301, 12302, 12303, 12304, 12305, 12306, 12401, 12403, 12405, 12501, 12502, 12503, 12504,	07/01/08 AMEND: 3935
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